

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: May 21, 2009

SPEX 2008-0044 & CMPT 2008-0015 – NIVO Substation

DECISION DEADLINE: Extended to June 29, 2009

ELECTION DISTRICT: Dulles

PROJECT PLANNER: Stephen Gardner

EXECUTIVE SUMMARY

Virginia Electric & Power Co. (d/b/a Dominion Virginia Power) of Richmond, Virginia has submitted an application for a Special Exception and Commission approval to permit a 230 kV electric utility substation, including one or more static poles with a maximum height of seventy-five (75) feet, used for public utility, communications and transmission purposes, in the PD-IP (Planned Development – Industrial Park) zoning district. The property is also located within the AI (Airport Impact) Overlay District, between the Ldn 60-65 aircraft noise contours and within the Route 28 Taxing District. This application is subject to the 1972 Zoning Ordinance and the proposed use is listed as a Special Exception use under Section 722.3.2 and requires a Commission Permit in accordance with Section 905. The subject property is an approximately 3.10 acre portion of a 10.4 acre Parcel and is located on the east side of Smith Switch Road (Route 607), north of Chilum Place and adjacent to the Beaumeade Corporate Park at 21362 Smith Switch Road, Ashburn, Virginia, in the Dulles Election District. The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Ashburn Community)) and the Revised Countywide Transportation Plan which designate this area for Business uses and which recommend a Floor Area Ratio (FAR) of 0.4 to 1.0.

RECOMMENDATION

Staff can recommend approval of these applications, subject to the recommended Special Exception Conditions of Approval which minimize impacts to neighboring properties. Staff requests that the segments of the wall surrounding the compound reaching a height of twenty-seven (27) feet be clarified on the Special Exception plat.

SUGGESTED MOTIONS

1a. I move that the Planning Commission approve CMPT 2008-0015, NIVO Substation, subject to the "SPECIAL EXCEPTION / COMMISSION PERMIT PROPOSED NIVO SUBSTATION LOUDOUN COUNTY, VIRGINIA" Plat dated November 12, 2008, revised through March 10, 2009, prepared by Dominion, and with the Findings contained in the May 21, 2009 Staff Report, and forward the application to the Board of Supervisors for ratification.

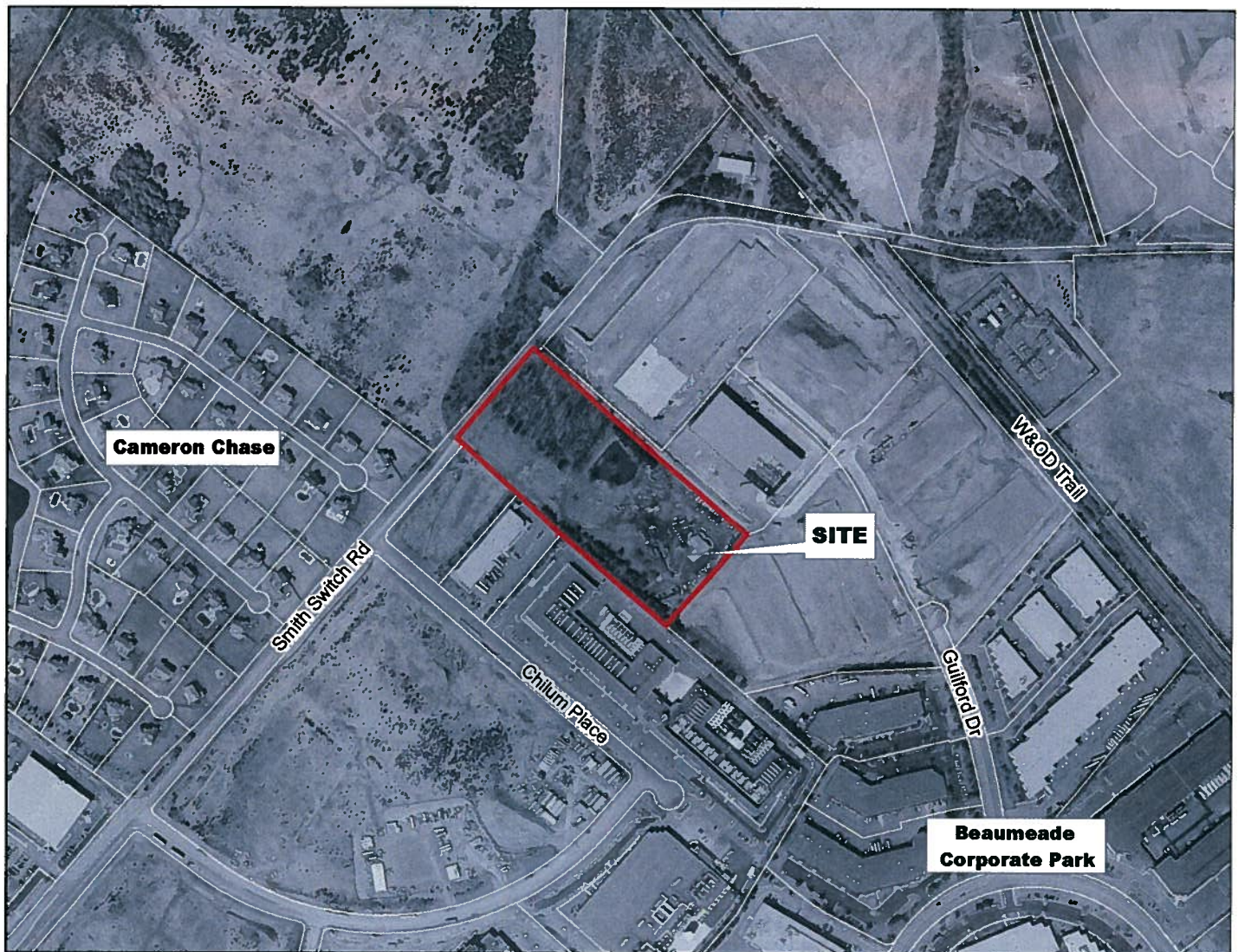
AND,

1b. I move that the Planning Commission forward SPEX 2008-0044, NIVO Substation, to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval dated May 7, 2009 and based on the attached Findings for approval.

OR,

2. I move that the Planning Commission forward CMPT 2008-0015 and SPEX 2008-0044, NIVO Substation, to a Planning Commission Work Session for further discussion.
- OR,
3. I move that the Planning Commission forward CMPT 2008-0015 and SPEX 2008-0044, NIVO Substation, to the Board of Supervisors with a recommendation of denial.

VICINITY MAP



Directions:

From Leesburg, take Route 7 east to Loudoun County Parkway. Follow Loudoun County Parkway south to Gloucester Parkway. Turn right onto Gloucester Parkway. Follow Gloucester Parkway west to Smith Switch Road. Turn left onto Smith Switch Road. The subject property will be on the left, approximately one-quarter mile past the W&OD Trail.

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I. APPLICATION INFORMATION

APPLICANT

Dominion Virginia Power
Attn: Courtney Fisher
701 East Cary Street - OJRP 12th Floor
Richmond, VA 23219
804-771-6408

REPRESENTATIVE

McGuire Woods
Attn: Mark Viani, Partner
1750 Tysons Boulevard; Suite 1800
McLean, VA 22102-4215
703-712-5425

APPLICANT'S REQUEST

A Special Exception and Commission Permit to permit a 230 kV substation in the PD-IP zoning district. This application was accepted on November 21, 2008.

LOCATION

21362 Smith Switch Road; Ashburn, VA 20147

TAX MAP/PARCEL #s

Tax Map /79////////49A MCPI 060-27-8493

ZONING

PD-IP (Planned Development – Industrial Park)

ACREAGE OF SITE

3.10 acres subject to Special Exception; 10.4 acre parent tract

SURROUNDING ZONING / LAND USES

	ZONING	PRESENT LAND USES
North	PD-IP	Flex Industrial
South	PD-IP	Flex Industrial
East	PD-IP	Flex Industrial
West	PD-H3	Vacant

II. SUMMARY OF DISCUSSION

Topic	Issues Examined and Status
Comprehensive Plan	<ul style="list-style-type: none"> • Demonstrate conformance with the <u>Revised General Plan</u> with respect to use. Status: Resolved; the <u>Revised General Plan</u> supports the timely delivery of gas, electrical, and communication services to businesses and households. • Impacts to forest resources should be mitigated on-site to soften the visual impact to adjoining land uses and Smith Switch Road. Status: Resolved; forest resources impacts by the proposed access drive will be mitigated with landscaping required as part of the buffers. • Lighting installed on-site should be downward directed and fully shielded. Status: Resolved; Condition # 4 added accordingly. • Provide information on buffers and demonstrate that distribution and transmission easements coinciding with required buffers will not impact plantings. Status: Resolved. A "landscape layout" depicts Type 4 Buffers along the perimeter of the compound. Condition # 2 has been proposed requiring maintenance and replacement should the landscaping be removed to accommodate the distribution easements. • Enhance landscaping along the western boundary of the compound to include supplemental evergreen plantings. Status: Resolved; the <u>Revised 1993 Zoning Ordinance</u> does not require evergreens as part of the "Front" Buffer Yard. Condition # 2 requires the "Front" Buffer Yard to be enhanced with six (6) evergreen trees per one hundred lineal feet to soften the visual impact from Smith Switch Road and existing/planned residential communities opposite the property.
Zoning	<ul style="list-style-type: none"> • Proposed static poles are not exempt from the height limitation of Section 520.4.1 of the <u>1972 Zoning Ordinance</u> and should be setback seventy five (75) feet from the nearest lot line. Status: Resolved; a modification of Section 520.4.1 was originally submitted requesting the setback from a non-residential property be reduced. However, Section 520.4.1 also states that structures located in an existing utility easement are exempt from the height limitations. As the structures will be located in such an easement, the modification is not necessary and was withdrawn by the Applicant. • Demonstrate that noted "distribution easements" coinciding with required buffers are compatible. Status: Resolved; Condition # 2 has been included stating that any landscaping removed to accommodate the easements shall be replaced. • Indicate minimum tree canopy and landscaped open space requirements will be met on the Special Exception Plat. Status: Resolved; notes added to the Special Exception Plat. • Include notation stating the property must be developed pursuant to ZMAP 1986-0024. Status: Resolved; notation added accordingly. • Depict a six (6) foot high masonry wall on the Special Exception Plat, consistent with Section 560. Status: Resolved; a wall has been depicted on the Special Exception Plat; condition # 3 defines the height of the wall and construction materials.

Environmental Review	<ul style="list-style-type: none"> Reroute the access drive to minimize impacts to existing vegetation. Status: Resolved; an impact to existing vegetation will be mitigated as part of the required buffers.
VDOT	<ul style="list-style-type: none"> Frontage improvements should be provided along Smith Switch Road. Status: Not an Issue; frontage improvements will be provided by others. Adequate site distance should be maintained at the site entrance. Status: Resolved.
Transportation (OTS)	<ul style="list-style-type: none"> Right-of-way should be dedicated along the property's frontage to accommodate the ultimate four lane configuration of Smith Switch Road. Status: Resolved; thirty-five (35) feet of right-of-way from the centerline is depicted on the Special Exception Plat.
Emergency Services	<ul style="list-style-type: none"> Commitment to a fire and rescue contribution consistent with Board policy. Status: Resolved; the Applicant has agreed to a one time contribution of \$3,500.00 to the servicing fire and rescue company.
Health Department	<ul style="list-style-type: none"> No issues noted. Status: Recommendation of approval.

Policy or Ordinance Sections Subject to Application	
<u>Revised General Plan</u>	
Chapter 2. Energy and Communication Facilities. Text.	
Chapter 2. Energy and Communication Policies. Policy 2.	
Chapter 2. Energy and Communication Policies. Policy 3.	
Chapter 5. Lighting and Night Sky. Policy 1.	
<u>Revised Countywide Transportation Plan (CTP)</u>	
Design Guidelines for Major Roadways. Old Route 607; Smith Switch Road.	
<u>1972 Zoning Ordinance</u>	
Section 520.4.1. Exceptions – excluded from application.	
Section 555.04. Canopy Requirements.	
Section 560. Buffer Yard Type 4.	
Section 560.08. Use of Buffer Yards.	
Section 722.5. Minimum Landscaped Open Space	
Resolution of Board Position Regarding Annual Fire and Rescue Contributions by Owners/Homeowners Associations. Adopted June 18, 2001	

III. FINDINGS

1. The Application is in conformance with the policy guidance of the Revised General Plan which states the County supports the timely delivery of gas, electrical, and communication services to businesses and households.

2. The utility substation will provide the infrastructure to facilitate expansion of data center uses within the Beaumeade Corporate Park and the Ashburn Corporate Park, enhancing the County tax base and providing employment opportunities.
3. The Application is consistent with the 1972 Zoning Ordinance.

IV. CONDITIONS OF APPROVAL – May 7, 2009

Staff recommends the following conditions of approval:

1. **Substantial Conformance** – This Special Exception to permit development of a public utility, communications and transmission shall be developed in substantial conformance with Sheets 1 of 6 and 3 of 6 (the “Special Exception Plat”) of the plan set entitled “SPECIAL EXCEPTION / COMMISSION PERMIT PROPOSED NIVO SUBSTATION LOUDOUN COUNTY, VIRGINIA” dated November 12, 2008, revised through March 10, 2009, prepared by Dominion (the “Plans”), and incorporated herein by reference. Approval of this application for Tax Map Number /79////////49A (PIN# 060-27-8493) (the “Property”) shall not relieve the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Landscaping** – The Applicant shall install a Type 4 Buffer along the perimeter of the compound outside of the “PROPOSED SUBSTATION WALL” as identified on the Plans. The number and type of plantings along the north, south, and east boundaries of the compound shall be consistent with that required for a “Side/Rear” Buffer Yard as noted in Section 5-1414(B) of the Revised 1993 Zoning Ordinance. The number and type of plantings along the western boundary of the compound shall be consistent with that required for a “Front” Buffer Yard as noted in Section 5-1414(B) of the Revised 1993 Zoning Ordinance but shall be enhanced to include a minimum of six (6) evergreen trees per one hundred lineal feet. The six (6) evergreen trees shall be in addition to the other plantings required as part of the “Front” Buffer Yard as noted above. A minimum of seventy-five (75) percent of landscaping shall consist of native or nativar species. All landscaping shall be maintained in good condition. Any diseased or dying trees and/or shrubs shall be replaced. Any landscaping removed to accommodate the “Distribution Easements” shall be replaced with plantings of a like kind in the vicinity of said plantings removed.
3. **Compound Wall** – The “PROPOSED SUBSTATION WALL” as noted on the Plans shall be constructed in substantial conformance with the profile included on Page 6 of 6 and entitled “ELEVATION – SCREENING WALL” and “SECTION – SCREENING WALL.” The wall shall include a variable height up to twenty-seven (27) feet but shall maintain a minimum height of twelve (12) feet. The wall shall be constructed consistent with the “Specifications and Notes” attached therein.
4. **Exterior Lighting** – Any additional exterior lighting installed on the Property shall be full cutoff and fully shielded light fixtures as defined by the Illuminating Engineering Society

of North America (IESNA). Light shall be directed inward and downward toward the interior of the property, away from nearby properties.

NOTE: The Applicant has agreed to a one-time contribution of \$3,500.00 for the public utility, communications and transmission for volunteer fire and rescue services. The \$3,500.00 contribution for the telecommunication structures and antennas will be paid to the County prior to issuance of the first zoning permit for the public utility, communications and transmission.

V. PROJECT REVIEW

A. CONTEXT

On November 21, 2008, the County accepted, on behalf of Virginia Electric & Power Co. (d/b/a Dominion Virginia Power), a request for Special Exception (SPEX) to permit a 230 kV electric utility substation, a use defined by the 1972 Zoning Ordinance as public utility, communications and transmission, in the PD-IP (Planned Development – Industrial Park) zoning district. The substation will include three static poles, located along the north, south, and east perimeter of the compound, with a maximum height of seventy-five (75) feet. A Commission Permit, required for any public facility not already shown as a feature on the Comprehensive Plan, has also been included.

The subject site is accessible by means of Smith Switch Road and is located approximately one quarter mile south of the W&OD Trail. The utility substation will be contained within a compound located near the eastern boundary line and, in the interim, will be separated from Smith Switch Road by a stand of deciduous trees and a pond. The portion of the site proposed as the location of the substation compound is improved and is currently home to an existing commercial nursery, TruGreen Lawn Care. The



Existing TruGreen Lawn Care facilities located on site to be displaced by proposed utility substation.

Department of Building and Development is processing an administrative site plan (STPR 2009-0002, TruGreen Lawn Care Relocation) which will relocate the business from its current location to the western portion of the property. All structures currently associated with the nursery will be removed to facilitate the substation.

The property is subject to the Proffers and Concept Development Plan associated with ZMAP 1986-0024, Poland, approved by the Board of Supervisors in July 1988. This application rezoned the property from R-1 to the current PD-IP zoning and included a Special Exception for flex industrial and office/warehouse uses on the Property. The proposed utility substation will serve data center uses, notably the adjoining DuPont

Fabros property, and will provide a redundant power supply to the area. The residual of the property will ultimately develop with compatible PD-IP uses.

This item was advertised for the April 16, 2009 Planning Commission Public Hearing but was deferred by the Applicant subsequent to the April 9, 2009 Work Session and Briefing. Initially, a request for Zoning Ordinance Modification (ZMOD) was included as part of the application to reduce the setback to a nonresidential property from seventy-five (75) feet to forty (40) feet. This modification has been withdrawn. The wall surrounding the compound, originally proposed at a uniform twelve (12) feet, has been revised to include a variable height between twelve (12) feet and twenty-seven (27) feet. No other materials changes to the application have been made.

B. SUMMARY OF OUTSTANDING ISSUES

Staff requests that the segments of the wall surrounding the compound reaching a height of twenty-seven (27) feet be clarified on the Special Exception plat. Staff further notes that reviews of the Conditions of Approval by Zoning Administration and the County Attorney's Office remain outstanding.

C. OVERALL ANALYSIS

COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan (Plan) and is located in the Ashburn Community of the Suburban Policy Area. The Planned Land Use Map (Revised General Plan, p. 7-23) designates the area as suitable for Business uses. Based upon the development of the area and the existing PD-IP zoning, this site is considered under the light industrial policies of the Plan.

Business Community is envisioned as predominantly large-scale office and/or light-industrial communities. The Plan describes the light-industrial communities as "compact, high-intensity nodes on the arterial corridors of the County" but suggests a development pattern emphasizing low-rise structures of two stories or less. Campus style industrial parks are encouraged and may include flex, research and development, and smaller-scale manufacturing. Housing and/or commercial/retail are allowed as part of the land use mix to provide individuals with access to services, shops, and recreation within general proximity of an employment center. Public parks and open space are expected as part of the land use mix.

The subject site adjoins the Beaumeade Corporate Park on the north and east as well as the Ashburn Corporate Center on the south. Beaumeade Corporate Park is planned as a unified industrial park with a development pattern composed primarily of flex industrial buildings. A number of special exceptions have been approved allowing for expanded office and data center as well as civic and service uses. In like manner, the Ashburn Corporate Center has developed as a mixed-use center with hotels and restaurants adjacent to the Waxpool Road and data center uses, including DuPont Fabros, along Smith Switch Road and immediately adjacent to the proposed site.

The Beaumeade Corporate Park and the Ashburn Corporate Park are currently developing with flex-industrial uses consistent with the Plan's vision of a light-industrial community. The proposed utility substation will compliment and facilitate future expansion of these facilities, notably the DuPont Fabros data centers, and will provide a redundant power service in the area should the existing Beaumeade Substation fail. The Revised General Plan recognizes the positive net fiscal impact of computer data centers and is supportive of the necessary expansion in the physical infrastructure needed to accommodate such facilities. As such, the application is in conformance with the Revised General Plan.

Commission Permit

The Revised General Plan supports the timely delivery of gas, electrical, and communication services to businesses and households but "seeks to minimize the negative visual impacts through regulations and the Commission Permit process." As such, a Commission Permit is required for any public facility not already shown as a feature on the Comprehensive Plan to ensure the general location, character, and extent of the proposed use is in substantial accord with the Plan. Given the industrial nature of the area and the existence of utility infrastructure (i.e. Beaumeade Substation, transmission towers along the W&OD Trail, etc.) in the immediate area, the general location of the substation is in keeping with the general character of the area.

Though the location of the compound is in general accord with the Comprehensive Plan, the extent and character of the facilities are not and pose a potential danger to public health, safety and welfare. The compound will include three static poles along the north, south, and eastern boundaries. The proposed function of the static poles is to provide protection to the compound and related electrical equipment from a potential lightning strike.

The 1972 Zoning Ordinance requires that transmission towers and cables should provide a setback to non-residential property lines equivalent to their height. The intent of the setback ensures the structure will not cross the property line in the event of collapse. In this case, the towers will be located in any existing utility easement, and as such, will be excluded from the height restrictions. Given the proximity of the static poles to non-residential property lines and the orientation of the compound on the site, adequate distance to adjoining properties is no longer assured, and, in like manner, the intent of the Ordinance is not fulfilled. As such, the extent and character of the facilities are not in accord with the Comprehensive Plan, and in circumstances such as this, another site should be considered.

In this instance, however, the circumstances are unique based on the Applicant's assertion that the location of the compound is fixed based upon the design and placement of transmission lines entering and exiting the site. If this is the case, staff can support the Commission Permit, provided measures are taken to mitigate the impact. Compatibility with surrounding properties, including the existing Cameron Chase and the planned Stonegate residential developments, should be maintained and appropriate measures should be taken to prevent the static poles from crossing the property line in the event of a collapse.

In response, a Type 4 Buffer will be placed on all sides of the compound, and the "Front" Buffer Yard will be enhanced to include six (6) additional evergreen trees per one hundred lineal feet. In addition, a wall, reaching a maximum height of twenty-seven (27) feet, will maintain a variable height and will surround the compound. The wall will provide protection from collapse, but staff recommends the segments of the wall that will reach the maximum twenty-seven (27) feet height be clarified on the Special Exception Plat. In this extraordinary circumstance in which the location of the compound is fixed, staff can conclude the extent and character of the facility are in general accord with the adopted comprehensive plan, given the efforts that have been made to mitigate its impact.

ZONING

The property under consideration is a 10.4 acre tract, 3.10 acres of which are subject to the proposed special exception. The property is zoned PD-IP (Planned Development – Industrial Park) and is governed by the 1972 Zoning Ordinance. The proposal includes a request for Special Exception (SPEX) to permit a utility substation, a use defined by Section 722.3.2 of the 1972 Zoning Ordinance as "Public utility, communications and transmission." The use also includes a Commission Permit (CMPT), required in accordance with Section 905, to demonstrate conformance with the Comprehensive Plan.

Originally, a request for Zoning Ordinance Modification (ZMOD) was submitted by the Applicant in response to an issue identified in the first zoning referral which stated the three static poles, each reaching a height of seventy five (75) feet, must maintain a setback from non-residential property lines equivalent to their height. Section 520.4.1, *Exceptions – Excluded from Application*, of the 1972 Zoning Ordinance states, "The height limitations of this chapter shall not apply...to any of the above enumerated structures now or hereafter located on existing public utility easements." As this structure will be located in a public utility easement, the modification was not necessary and was subsequently withdrawn by the Applicant.

Other issues included a request to note the ten (10) percent tree canopy and the landscaped open space required pursuant to Sections 555.04 and 722.5 respectively will be met, the inclusion of a six (6) foot masonry wall required in accordance with Section 560 be depicted, and various administrative revisions to the Special Exception Plat. The Applicant has addressed these concerns, and no issues remain outstanding.

EMERGENCY SERVICES

The Ashburn Volunteer Fire and Rescue Company will provide fire and rescue services to this site. Though this is an unmanned facility serving as public infrastructure, Board policy does, nonetheless, anticipate a fire and rescue contribution to the servicing fire and rescue company. Board policy states the contribution should be \$0.10 per square foot of development, and in this instance, staff would equate the area of development to be the area encompassed by the electrical equipment (approximately 160 square feet by 220 square feet). As such, a fire and rescue contribution of \$3,500.00 would be anticipated. The Applicant is in agreement with this contribution.

TRANSPORTATION

The property currently under consideration is located adjacent to Smith Switch Road, and the proposed utility substation will be accessible by means of a private access drive. Smith Switch Road is improved as a four-lane undivided roadway from Waxpool Road to Hastings Drive at which point it transitions to a two-lane segment. The frontage of Smith Switch Road along the subject property is unpaved and maintains a width of 28-feet with no shoulders. The Countywide Transportation Plan (CTP) identifies the ultimate configuration of Smith Switch Road as a four lane undivided urban collector in a seventy-foot (70) right-of-way.

As the facility is unmanned, traffic generation will be limited to one vehicle trip per month. Nonetheless, comments from both the Office of Transportation Services (OTS) and the Virginia Department of Transportation (VDOT) recognize the current condition of Smith Switch Road and requested the dedication of right-of-way (35-feet) from the centerline of Smith Switch to the property line. The Applicant has agreed, and no issues remain outstanding.

E. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 1211.5 of the 1972 Loudoun County Zoning Ordinance states "In fulfilling the purposes and intent of this ordinance as set forth in Article 1, the Board of Supervisors, in exercising the powers and duties granted and imposed by the ordinance, shall act in accordance with and shall be guided by the following standards which shall be in addition to any other standards imposed by this ordinance:"

- (A) *To preserve the agricultural character of the County, and to discourage the inappropriate location of the non-farm uses in agricultural areas.*

The subject site is currently zoned PD-IP (Planned Development – Industrial Park) and is located in the Business Community of the Suburban Policy Area. Agricultural uses have not been contemplated for this area, and as such, this provision does not apply.

- (B) *To conserve the ground water supply in areas of the County where it is limited.*

The utility substation is an unmanned facility; water and sewer facilities will not be necessary. In the unlikely event that water and sewer become necessary, public facilities are available to the site.

- (C) *To prevent high population densities on soils that are incapable of providing adequate water supply, or of meeting proper sanitary requirements for sewage disposal.*

The utility substation is an unmanned facility and will not result in additional residential density. As noted previously, the facility will not necessitate sanitary sewer.

- (D) *To protect against the overcrowding of land and undue density of population in relation to the community facilities existing or available.*

No residential units are proposed, and no impact to community facilities is anticipated.

- (E) *To facilitate orderly highway development and transportation, and lessen traffic hazards and congestion.*

The utility substation is unmanned and will result in approximately one vehicle trip per month. As such, no impact to regional transportation network is anticipated. Nonetheless, the Application has proposed to dedicate a proportionate share of right-of-way to accommodate the expansion of Smith Switch Road to its ultimate configuration.

- (F) *To protect residential sections from unnecessary traffic, fire hazards, noise, noxious fumes, or offensive odors and other unwholesome conditions and influences.*

This site is zoned PD-IP (Planned Development – Industrial Park), and as such, the proposed utility substation is consistent with uses anticipated and existing in the general vicinity. Residential neighborhoods have been developed (Cameron Chase) and planned (Stonegate) opposite the site on Smith Switch Road. However, as an unmanned facility, traffic generation will be limited to one vehicle trip per month, and no noise, noxious fumes, or offensive odors are anticipated. Visual impacts to residential areas will be mitigated by the compound's location at the rear of the parcel as well as a proposed Type 4 Buffer, enhanced along the western compound boundary to include six (6) additional evergreen trees per one hundred lineal feet.

- (G) *The proposed use at the specified location shall be in harmony with the policies embodied in the adopted comprehensive plan.*

Per the Planned Land Use Map of the Revised General Plan, this area is suitable for Business uses and the area within general proximity is developing as such. Flex industrial uses and data centers are located both within the Beaumeade Corporate Park and the Ashburn Corporate Center. The proposed utility substation will facilitate the expansion of these uses, and the Plan supports the timely delivery of gas, electrical, and communication services to businesses and households. Measures have been taken, including enhanced landscaping and a twenty-seven (27) foot wall surrounding the compound, to mitigate any potential impacts of the facility

- (H) *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

As defined by the 1972 Zoning Ordinance, Planned Development – Industrial Park districts (PD-IP) are "...primarily for light and medium industrial uses...which present an attractive appearance and complement surrounding land use character by means of appropriate siting of buildings and service areas, and landscape treatments." The proposed substation is consistent with the type of uses anticipated within the PD-IP district. However, staff notes that the intent of Section 520.4.1, *Height Limitations, Exceptions – excluded from application*, has not been met as the facility proposes three (3) static poles that do not meet the setback as described therein. Section 520.4.1

states that height limitations will not apply if the structures are placed in an existing utility easement.

- (l) *The proposed use shall be such that it will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the applicable provisions of the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.*

The proposed utility substation is consistent with both the PD-IP (Planned Development – Industrial Park) designation and adjoining uses. However, the substation will include three (3) static poles, each one of which will rise to a height of seventy five (75) feet. These static poles do not maintain a setback that ensures they will not cross the property line in the event of a collapse. As such, the extent and character of the facility are not in general accord with the adopted comprehensive plan. Conversely, the applicant has stated that the location of both the poles and the compound are fixed based upon the route of transmission lines entering and exiting the site. If this is true, staff can support the Commission Permit if the impacts are mitigated. In this instance, mitigation measures include enhanced landscaping and a twenty-seven (27) foot wall surrounding the compound.

VI. ATTACHMENTS	PAGE NUMBER
1. Review Agency Comments	
a. Planning Department, Community Planning	A-1
b. Building and Development, Zoning Administration	A-9
c. Building and Development, ERT	A-13
d. Office of Transportation Services (OTS)	A-15
e. Virginia Department of Transportation (VDOT)	A-19
f. Fire, Rescue, & Emergency Management	A-21
g. Loudoun County Health Department	A-23
2. Disclosure of Real Parties in Interest	A-25
3. Applicant's Statement of Justification	A-41
4. Applicant's Response to Referral Agency Comments	A-47
5. Photo Simulations and Compound Schematic	A-51
6. Special Exception Plat; 11/12/08; revised to 3/10/09	Attached

NOTE: Attachments are available electronically, and may be viewed at the Planning Department Front Counter or in the Building & Development File Room.